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Attorney for STATE OF HAWAII
OFFICE OF CONSUMER PROTECTION

UNITED STATES BANKRUPTCY COURT

DISTRICT OF HAWAII

In re:)	Case No. 15-01446
)	Chapter 7
ANABEL GASMEN CABEBE,)	
)	
Debtor.)	
)	
)	
STATE OF HAWAII, by its OFFICE)	Adv. Pro. No. 16-90011
OF CONSUMER PROTECTION,)	
)	
Plaintiff,)	
)	
v.)	
)	
ANABEL GASMEN CABEBE,)	
MORTGAGE ENTERPRISE,)	
MORTGAGE ENTERPRISE)	
INVESTMENTS, and MORTGAGE)	
ENTERPRISES INVESTMENTS,)	
)	
Defendants.)	
)	

PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT
AS TO DEFENDANT MORTGAGE ENTERPRISE

Plaintiff State of Hawaii, by its Office of Consumer Protection (“OCP”), through its attorney James F. Evers, Esq., and pursuant to Rule 7055 Fed.R.Bankr.P. and Fed.R.Civ.P. 55(a), hereby requests this Honorable Court to enter default against Defendant Mortgage Enterprise, as said Defendant has failed to plead or otherwise defend in response to the allegations made in OCP’s First Amended Complaint filed herein on January 24, 2017 (Dkt #52).

This request is supported by the facts set forth in the attached declaration of counsel.

DATED: Honolulu, Hawaii, February 3, 2017.

/s/ James F. Evers
JAMES F. EVERS
Attorney for State of Hawaii
Office of Consumer Protection

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ANABEL GASMEN CABEBE,)	
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MORTGAGE ENTERPRISE)	
INVESTMENTS, and MORTGAGE)	
ENTERPRISES INVESTMENTS,)	
)	
Defendants.)	
_____)	

DECLARATION OF COUNSEL

I, James F. Evers, do declare:

1. I have personal knowledge of the facts stated in this Declaration and if called as a witness, I could and would testify as to all matters set forth herein based upon my own knowledge of the facts.

2. I am an enforcement attorney with the State of Hawaii Department of Commerce and Consumer Affairs' Office of Consumer Protection (hereinafter "OCP").

3. As previously indicated in the certificate of service filed with the Court (Adv. Dkt #59), a true and correct copy of the First Amended Complaint (Adv. Dkt #52) and Exhibits "1" – "20" (Adv. Dkt #52-1), filed on January 4, 2017, along with a true and correct copy of the Summons Issued for Mortgage Enterprise and Notice of Scheduling Conference (Adv. Dkt #55), filed on January 6, 2017, were served upon the following at their last known address by Mail Service via Regular, First Class United States Mail, postage fully pre-paid, on January 6, 2017:

Mortgage Enterprise
Attention Henry Malinay, as partner and/or general agent
98-588 Kaimu Loop
Aiea, Hawaii, 96701

Mortgage Enterprise
Attention Edna Franco, as partner and/or general agent
HC 2 Box 6271
Keaau, HI, 96749

Mortgage Enterprise
Attention Angelita Pasion, as partner and/or general agent
98-563 Kaimu Loop
Aiea, Hawaii, 96701

4. As also previously indicated in the certificate of service filed with the Court (Adv. Dkt #59), a true and correct copy of the First Amended Complaint (Adv. Dkt #52) and Exhibits "1" – "20" (Adv. Dkt #52-1), filed on January 4, 2017,

along with a true and correct copy of the Summons Issued for Mortgage Enterprise and Notice of Scheduling Conference (Adv. Dkt #55), filed on January 6, 2017, were served upon the following at their last known address by Mail Service via Regular, First Class United States Mail, postage fully pre-paid, on January 9, 2017:

Mortgage Enterprise
Attention Anabel Gasmen Cabebe, as partner and/or general agent
P.O. Box 29386
Honolulu, HI 96820

5. Each of the mailings presumably reached its intended destination, as the mailings were not returned to my office.

6. The time for Defendant Mortgage Enterprise to answer, move or otherwise plead has since expired.

7. Under the apparent and mistaken belief that she was personally named as a defendant to this action, Edna Franco filed a response to the complaint strictly in her individual capacity (Adv. Dkt #62), but notably acknowledges in her affidavit has having “reported of the wrongdoing of Anthony Williams, Mortgage Enterprise Investments or ME [Mortgage Enterprise] to the Attorney General office ... begging them to stop Anthony Williams, Mortgage Enterprise Investments / ME [Mortgage Enterprise] from scamming people and that they are damaging thousands of homeowners” (Adv. Dkt #62, p.3, ¶e) and “made a report and complaint to the Federal Trade Commissions ... regarding the Mortgage Scheme created by Mortgage Enterprise Investments / ME [Mortgage Enterprise], Anthony Williams, (agent), and others because they are committing fraud or defrauded a lot of

homeowners who are in foreclosures (Adv. Dkt #62, p.4., ¶f).

8. Except as set forth above, Defendant Mortgage Enterprise has failed to answer, move or otherwise plead in response to OCP's First Amended Complaint.

9. This Declaration is executed for the purpose of enabling OCP to obtain entry of default against Defendant Mortgage Enterprise, in accordance with Rule 55(a) of the Federal Rules of Civil Procedure, for its failure to timely answer or otherwise defend or respond to OCP's First Amended Complaint.

Under penalty of perjury, I declare that the foregoing is true and correct.

Executed this 3rd day of February, 2017, at Honolulu, Hawaii.

/s/ James F. Evers

James F. Evers

Enforcement Attorney

State of Hawaii

Department of Commerce and Consumer Affairs

Office of Consumer Protection